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AF 11638

PATENT
ATTORNEY DOCKET NO. 056100-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 Pierre BROUN *et al.*)
)
 Application No.: 09/117,921) Group Art Unit: 1638
)
 Filed: March 4, 1999) Examiner: E. McElwain
)
 For: PRODUCTION OF HYDROXYLATED)
 FATTY ACIDS IN GENETICALLY)
 MODIFIED PLANTS)

MAIL STOP AF

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TRANSMITTAL FORM

1. Transmitted herewith is a reply to the Advisory Action mailed September 10, 2003, the period for response to which extends through November 10, 2003 (next-business-day rule applies).

2. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

3. Constructive Petition

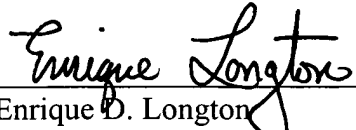
☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit

Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION
FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: November 10, 2003



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RESPONSE UNDER 37 C.F.R. §1.116

This response is filed in reply to the Advisory Action mailed September 10, 2003, the period for response to which extends through November 10, 2003 in accordance with the next-business-day practice of the USPTO since a Notice of Appeal was filed on September 8, 2003 and November 8, 2003 fell on a Saturday. No extension of time fees are believed due in connection with this filing.